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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. 3-11-70238 MAG
14 Plaintiff,) STIPULATED REQUEST TO CONTINUE
15 v.) HEARING DATE TO FEBRUARY 29,
16 MICHAEL DUPREE BROWN,) 2012 AND TO EXCLUDE TIME UNDER
17 Defendant.) THE SPEEDY TRIAL ACT
18) Date: February 1, 2012
19) Time: 9:30 a.m.
20) Court: Hon. Laurel Beeler

21 The above-captioned matter is set on February 1, 2012 before this Court for a status
22 hearing. The parties request, however, that the matter be continued to February 29, 2012 and
23 that time be excluded pursuant to 18 U.S.C. § 3161(b) between February 1, 2012 and February
29, 2012 for the reasons stated below.

24 Defendant is presently charged in a criminal complaint with violations of 21 U.S.C. §§
25 841(a)(1) and (b)(1)(C), 18 U.S.C. § 924(c), and 18 U.S.C. § 922(g)(1). Defendant has
26 previously waived his right to a preliminary hearing pursuant to Federal Rule of Criminal
27 Procedure 5 (Docket No. 10), and has previously agreed to exclude time within which to be
28 charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b). Additionally, defendant

STIP. REQ. TO CONTINUE HEARING DATE TO FEBRUARY 29, 2012 AND TO EXCLUDE TIME
No. 3-11-70238 MAG

1 is currently serving a ten-year federal prison sentence imposed in case no. CR-10-00176 PJH.
2 He is also before the Honorable Claudia Wilken in case no. CR-09-00203 CW on a Petition For
3 Arrest Warrant For Offender Under Supervision based on the same conduct at issue in this case.

4 Lead counsel for the United States has recently left the United States Attorney's Office,
5 Northern District of California; thus, new counsel for the United States needs time to review the
6 discovery and other matters associated with this case. Additionally, discovery needs to be
7 provided to defense counsel, and defense counsel needs time to review and analyze the discovery
8 and to discuss the same with defendant. Further, defense counsel is unavailable between
9 February 18, 2012 and February 25, 2012. In sum, both parties need additional time to review
10 the discovery in this case, to effectively prepare for future hearings, and/or to attempt to
11 negotiate a pre-indictment resolution. Defendant agrees to continue to exclude time within
12 which to be charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b) from
13 February 1, 2012 and February 29, 2012.

14
15 DATED: January 31, 2012
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17

18 _____/s/ _____
19 JAMES C. MANN
Assistant United States Attorney
Counsel for United States

20 _____/s/ _____
21 GARRICK S. LEW
Counsel for Michael Dupree Brown
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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|----|---------------------------|---|--------------------------------|
| 11 | UNITED STATES OF AMERICA, |) | No. 3-11-70238 MAG |
| 12 | Plaintiff, |) | [PROPOSED] ORDER GRANTING |
| 13 | v. |) | STIPULATED REQUEST TO CONTINUE |
| 14 | MICHAEL DUPREE BROWN, |) | HEARING DATE TO FEBRUARY 29, |
| 15 | Defendant. |) | 2012 AND TO EXCLUDE TIME UNDER |
| 16 | |) | THE SPEEDY TRIAL ACT |
| 17 | |) | Date: February 1, 2012 |
| | |) | Time: 9:30 a.m. |
| | |) | Court: Hon. Laurel Beeler |

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12 February 1, 2012 and February 29, 2012.

13 Good cause appearing therefor, and pursuant to 18 U.S.C. § 3161(b),

14 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
15 February 1, 2012 to February 29, 2012 at 9:30 a.m., and that time between February 1, 2012 and
16 February 29, 2012 is excluded under the Speedy Trial Act and specifically 18 U.S.C. § 3161(b)
17 to allow: (1) discovery to be produced to defendant; (2) both new counsel for the United States
18 and defense counsel to review and analyze the discovery in this matter; (3) the continuity of
19 defense counsel, who is unavailable between February 18, 2012 and February 25, 2012, and (4)
20 the parties to explore the potential of a pre-indictment resolution of the matter.

21
22 DATED: February 1, 2012


23 LAUREL BEELER
United States Magistrate Judge